

1 [Pet Guardian – Definition and Duties.]

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3 Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code
4 (Health Code) by amending Section 41, to add the definition of "Guardian", and
5 amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20,
6 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is
7 referenced.

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Note: Additions are single-underline italics Times New Roman;
9 deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
10 Board amendment deletions are ~~strikethrough normal~~.

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Be it ordained by the People of the City and County of San Francisco:

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Section 1. The San Francisco Health Code is hereby amended by amending Section

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41, to read as follows:

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Sec. 41. DEFINITIONS.

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As used in Sections 41.1 through 41.25, inclusive, of this Article, the following terms

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shall have the following meanings:

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(a) "At large" shall mean any dog off the premises of its owners or guardians and not

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under restraint by a leash, rope or chain of not more than eight (8) feet in length, and any

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other animal not under physical restraint.

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20 11/21/02

(b) "Animal" shall mean and include any bird, mammal, reptile, or other ~~dumb~~

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creature; except fish.

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(c) "City and County" shall mean the City and County of San Francisco.

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(d) "Dog" shall include female as well as male dogs.

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1 (e) "Health Officer" shall mean the Director of the Department of Public Health of the
2 City and County, or any employee of said Department or other person authorized by said
3 officer to act on his or her behalf.

4 (f) "Hoofed Animal" shall mean and include horse, mare, gelding, mule, burro,
5 sheep, cow, goat or any other animal with a hoofed foot.

6 (g) "Owner" shall mean any person who possesses, has title to or an interest in,
7 harbors or has control, custody or possession of an animal, and the verb forms of "to own"
8 shall include all those shades of meaning.

9 (h) "Person" shall mean and include corporations, estates, associations,
10 partnerships and trusts, as well as one or more individual human beings.

11 (i) "Barking Dog" is defined as a dog that barks, bays, cries, howls or makes any
12 other noise continuously and incessantly for a period of 10 minutes to the disturbance of any
13 other person.

14 (j) "Animal Care and Control Department" shall mean the department under the City
15 Administrator authorized to perform the functions described in Sections 41.4 and 41.5 of this
16 Article and any other ordinance or law that delegates such authority to the Animal Care and
17 Control Department or its Director.

18 (k) "Animal Control Officer" or "Animal Care and Control Officer" shall mean the
19 Director of the Animal Care and Control Department.

20 (l) "Authorized licensing entity" shall mean an individual or entity that has entered
21 into an agreement with the Director of Animal Care and Control to accept applications and
22 payments for dog licenses, and issue such licenses to dog owners or guardians in accordance
23 with the requirements of Sections 41.15 through 41.20. Such individuals or entities may
24 include, but are not limited to, other departments of the City and County, licensed
25 veterinarians practicing in the City and County, retailers of pet supplies and providers of

1 animal care services engaged in business in the City and County, and nonprofit organizations
2 engaged in promoting animal welfare.

3 (m) "Guardian" shall have the same rights and responsibilities of an owner, and both terms
4 shall be used interchangeably.

5 Section 2. The San Francisco Health Code is hereby amended by amending Section
6 41.4, to read as follows:

7 **SEC. 41.4. ANIMAL CARE AND CONTROL DEPARTMENT; ESTABLISHMENT;**
8 **APPOINTMENT OF ANIMAL CONTROL OFFICER; POWERS AND DUTIES OF ANIMAL**
9 **CARE AND CONTROL DEPARTMENT.**

10 (a) Effective July 1, 1989, there is hereby established an Animal Care and Control
11 Department under the jurisdiction of the City Administrator. The Department shall consist of a
12 Director and such employees and assistants as may be necessary to carry out the work and
13 functions of the Department. The City Administrator shall appoint an Animal Control Officer
14 who shall serve at the pleasure of the City Administrator as the Director of the Animal Care
15 and Control Department.

16 (b) The Animal Care and Control Department shall have the following functions:

17 (1) To operate an animal shelter;

18 (2) To provide nourishment and medical care for animals in its care; basic
19 health screening for all animals and a disease control program for the facility;
20 vaccination of animals; euthanasia of animals by barbiturate injection or other humane
21 methods; sale of dog licenses; volunteer programs; information on animal control laws,
22 pet owner and guardian responsibilities and pet care; and maintenance of records of all
23 animal control activities;

24 (3) To enforce the provisions of this Article and any other ordinances and laws
25 that pertain to the care and control of animals;

1 (4) To charge and collect the fees, fines and deposits as required by this
2 Article and any other ordinances and laws that pertain to the care and control of
3 animals; and

4 (5) To carry out the duties and functions of the Animal Control Officer as
5 defined in Article I of this Code, Section 985 of this Code, Sections 220 through 221.3
6 of the San Francisco Business and Tax Regulations Code, and any other ordinances
7 and laws pertaining to the care and control of animals.

8 Section 3. The San Francisco Health Code is hereby amended by amending Section
9 41.5.1, to read as follows:

10 **SEC. 41.5.1. BITING DOGS.**

11 For purposes of this Section a biting dog shall be defined as follows: Any dog that bites
12 any person or other animal in the City and County of San Francisco, provided, however, that
13 the person or animal bitten was not at the time either provoking or teasing the dog without
14 cause. For the purposes of this Section, the records of dog bites kept by the Department of
15 Public Health shall be deemed official records and shall establish a rebuttal presumption of
16 the number of bites recorded.

17 (a)(i) If a dog is reported and recorded by the Department of Public Health to have
18 bitten any person or animal, the owner or guardian of said dog shall be deemed guilty of an
19 infraction which shall be punishable by a fine of \$25. The Director of Public Health shall inform
20 the Police Department of the bite of said dog and the Police Department shall issue a citation
21 to the owner or guardian of said dog.

22 (ii) In the event that a biting dog causes severe injuries to a person or other
23 animal, the Director of Public Health may recommend that such dog be declared a
24 menace to the public health and safety and he shall so inform the District Attorney by a
25 written Complaint. The District Attorney shall then bring said written complaint to the

1 Municipal Court for a finding that the dog is a menace to the public health and safety. If
2 the Court finds the dog to be a menace to the public health and safety, the owner or
3 guardian thereof shall be subject to the provisions of paragraph (c) of this Section, and
4 upon order of the Court, the Animal Control Officer or a Police Officer shall impound,
5 hold and humanely destroy the dog in accordance with the procedures of paragraph (c)
6 of this Section.

7 (b) If a dog is reported and recorded by the Department of Public Health to have
8 bitten any person or animal a second time within 12 consecutive months from the first bite, the
9 owner or guardian of said dog shall be deemed guilty of a misdemeanor and shall be
10 punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment in the
11 County Jail for a period of not more than six months, or by both such fine and imprisonment.
12 The Director of Public Health shall inform the Police Department of the second bite of said
13 dog and the Police Department shall issue a citation to the owner or guardian of said dog.

14 (c) If a dog is reported and recorded by the Department of Public Health to have
15 bitten any person or animal within 12 consecutive months from said dog's second bite, the
16 Director of Public Health shall recommend said dog be declared to be a menace to the public
17 health and safety and shall so inform the District Attorney by a written complaint. The District
18 Attorney shall then bring said written complaint to the Municipal Court for a finding that the
19 dog is a menace to the public health and safety. If the Court finds the dog to be a menace to
20 the public health and safety, the owner or guardian thereof shall be guilty of a misdemeanor
21 and shall be punishable by a fine of not less than \$50 nor more than \$500 or by imprisonment
22 in the County Jail for a period of not more than six months, or by both such fine and
23 imprisonment. Upon order of the Court, the Animal Control Officer or a Police Officer shall
24 immediately impound the dog, and after a period of 10 days from the time of impoundment,
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1 the dog shall be humanely destroyed unless the owner or guardian shows the Court good
2 cause why said dog should not be destroyed.

3 Section 4. The San Francisco Health Code is hereby amended by amending Section
4 41.6, to read as follows:

5 **SEC. 41.6. IMPOUNDMENT.**

6 Any animal engaging in an activity or existing in a condition which is prohibited by the
7 provisions of Section 41.1 through 41.13, inclusive, of this Article, shall be taken up and
8 impounded by the Animal Control Officer or taken to a veterinarian, as provided by State law.
9 It shall be the duty of every police officer, while on duty, to notify the Animal Control Officer of
10 any animal which he or she knows to be injured or required to be impounded. Any person
11 may take up and deliver to the Animal Control Officer any animal at large in the City and
12 County on public property or upon said person's private property or any animal owned by
13 such person. Upon releasing ownership or guardianship of an animal to the Animal Control
14 Officer, the owner or guardian shall sign and be offered a receipt by the Animal Control Officer.
15 Every person taking up any animal under the provisions of this Section shall immediately
16 thereafter give notice thereof to the Animal Control Officer, and every such person or any
17 person in whose custody such animal may, in the meantime, be placed, shall deliver such
18 animal to the Animal Control Officer without fee or charge, and the Animal Control Officer
19 shall thereupon hold and dispose of said animal in the same manner as though said animal
20 had been found at large and impounded.

21 Section 5. The San Francisco Health Code is hereby amended by amending Section
22 41.7, to read as follows:

23 **SEC. 41.7. PERIODS OF IMPOUNDMENT.**

24 All periods of impoundment herein referred to shall be deemed to commence at 12:01
25 a.m. of the day following the day of impoundment.

1 (a) All dogs, whether or not licensed or bearing identification and all other animals
2 bearing identification shall be kept by the Animal Control Officer for a period of not less than
3 96 hours, unless redeemed within such period. The Animal Control Officer shall, within 24
4 hours of impoundment, telephone the owner or guardian of record of any animal wearing a
5 license tag or identification, and failing to reach said owner or guardian by telephone within
6 said 24 hour period, he shall immediately send notice of impoundment to said owner or
7 guardian by mail. The owner or guardian of record shall be charged for the cost of all such
8 notice of impoundment.

9 (b) Any impounded animal which is of a type referred to in Section 17003 of the
10 Agricultural Code of the State of California shall be kept by the Animal Control Officer for at
11 least five days unless it is redeemed within such period. If not so redeemed, said animal shall
12 be turned over to the Bureau of Livestock Identification for disposition by that office.

13 (c) Any other animal, the impoundment of which is not otherwise specifically covered
14 by law, shall be kept for at least 48 hours unless redeemed within such period. A wild animal
15 which has been taken up by the Animal Control Officer shall be deemed not to be impounded
16 unless there is reason to believe it has an owner or guardian. Such an animal need not be
17 retained for any minimum period of time, but shall be returned to a park or wild area where
18 lawful, unless said animal is dangerous or suffering excessively, in which case it may be
19 forthwith humanely destroyed.

20 (d) Any animal which is voluntarily surrendered to the Animal Control Officer by the
21 owner or guardian shall be deemed not to be impounded and need not be kept by the Animal
22 Control Officer for any minimum period of time.

23 (e) Any animal which is placed in the custody of the Animal Control Officer by a
24 public officer, on behalf of a person who is at the time unable to care for such animal, shall be
25 deemed not to have been impounded and may be reclaimed by its owner or guardian upon

1 payment to the Animal Control Officer of the charges for feeding and caring for said animal as
2 set forth in Section 41.10 hereof. Any animal held in custody as provided herein which is not
3 reclaimed by its owner or guardian within 14 days after notice to reclaim has been given to
4 said owner or guardian shall be deemed to be abandoned and may be sold, destroyed or
5 otherwise disposed of by the Animal Control Officer, provided, however, that if said animal is
6 dangerous to retain or is suffering excessively, it may forthwith be humanely destroyed by the
7 Animal Control Officer.

8 Section 6. The San Francisco Health Code is hereby amended by amending Section
9 41.8, to read as follows:

10 **SEC. 41.8. REDEMPTION.**

11 The owner or guardian of any animal impounded or taken into custody may, at any time
12 before the disposition thereof, redeem the same by paying all proper fees and charges
13 accrued as provided for in Section 41.10 hereof, provided, however, that if the animal is
14 subject to the licensing provisions of this Code, said licensing requirements shall also be
15 satisfied before the animal shall be released.

16 Section 7. The San Francisco Health Code is hereby amended by amending Section
17 41.10, to read as follows:

18 **SEC. 41.10. CHARGES AND FEES.**

19 The Animal Control Officer shall charge and collect the following fees from the owner or
20 guardian of any animal impounded or otherwise taken into custody:

21 (a) Redemption fees:

22 For each dog, the sum of \$25.00

23 For each cat, the sum of \$25.00

24 For each hoofed animal, the sum of \$25.00

25 For each rabbit, bird or other animal, the sum of \$25

- 1 (b) Voluntary lifetime cat registration fee:
2 For each cat, the sum of \$10.00
- 3 (c) Spay/neuter deposit fee:
4 For each dog, the sum of \$50.00
5 For each cat, the sum of \$50.00
- 6 (d) For feeding and providing ordinary care for animals, the following sums, per day:
7 For each dog, the sum of \$10.00
8 For each cat, the sum of \$10.00
9 For each hoofed animal, the sum of \$10.00
10 For each rabbit, bird or other animal, the sum of \$10.00
- 11 (e) In the event that the Animal Control Officer shall determine that payment of any
12 fees by the owner or guardian of an animal which is impounded or otherwise taken into
13 custody would cause extreme financial difficulty to said owner or guardian, the Animal Control
14 Officer may, at his or her discretion, waive all or part of the fees for the animal.
- 15 (f) In the event that any animal is impounded or otherwise taken into custody by the
16 Animal Control Officer more than one time, the Animal Control Officer shall collect a penalty
17 redemption fee, which shall be:
- 18 (1) For a second impoundment, two times the fee set forth in Subsection (a)
19 above;
- 20 (2) For any third or additional impoundment, three times the fee set forth in
21 Subsection (a) above.
- 22 (g) In the event that an animal which is impounded or otherwise taken into custody
23 must be spayed or neutered while in the custody of the Animal Control Officer, the Animal
24 Control Officer shall charge an additional fee consisting of the actual expense incurred.
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1 (h) For extraordinary care or expense provided for an animal, an additional fee
2 consisting of the actual expense incurred shall also be charged.

3 Section 8. The San Francisco Health Code is hereby amended by amending Section
4 41.11, to read as follows:

5 **SEC. 41.11. QUARANTINE; DELIVERY OF CARCASS.**

6 (a) Any animal falling into one or more of the following categories shall be isolated or
7 quarantined at the place and under the conditions prescribed by the Health Officer and
8 pertinent State laws and regulations:

9 (1) Known rabid animals;

10 (2) Suspected rabid animals;

11 (3) Animals (mammals) which have bitten or otherwise exposed a human
12 being to rabies or suspected rabies;

13 (4) Animals (mammals) which have been bitten by a known or suspected
14 rabid animal or have been in intimate contact with the same.

15 (b) It shall be unlawful for the owner, guardian or keeper of an animal to violate any of
16 the conditions of isolation or quarantine prescribed by the Health Officer or pertinent State
17 laws or regulations.

18 (c) It shall be the duty of any person having knowledge of any animal which has
19 bitten a human being or other animal within the City and County to immediately report the fact
20 to the Health Department and to furnish complete information thereof.

21 (d) Upon the death of any animal enumerated in Subsection (a) hereof in the custody
22 of the Animal Control Officer, said Animal Control Officer shall arrange for delivery of the
23 carcass of said animal or an adequate specimen thereof to the Health Officer.

24 Section 9. The San Francisco Health Code is hereby amended by amending Section
25 41.12, to read as follows:

1 **SEC. 41.12. DUTIES OF OWNERS AND GUARDIANS.**

2 (a) It shall be unlawful for the owner or guardian of any animal, other than a domestic
3 cat, to permit said animal to run at large within the City and County; provided, however, that
4 the provisions of this subsection shall not be applicable to any area under the jurisdiction of
5 the Recreation and Park Commission of the City and County, and which has been designated
6 by said Commission as an animal exercise area.

7 1. It shall be unlawful for the owner or guardian of any animal to permit said animal to
8 be within an area designated as an animal exercise area unless said owner or guardian is
9 physically present at all times during which the animal is within said area.

10 (b) It shall be unlawful for the owner or guardian of any animal to permit said animal
11 to breed on public property; provided, however, that the provisions of this subsection shall not
12 be applicable to departments of the City and County, recognized educational institutions,
13 licensed clinical laboratories, or medical research facilities which are in conformity with
14 Federal or State laws.

15 (c) The owner or guardian of any animal shall provide proper and adequate food,
16 water, shelter, care, exercise and attention for such animals.

17 (d) Any person who shall keep or permit to remain on any premises within the City
18 and County of San Francisco any "Barking Dog" as defined in Section 41(i) of this Code, is
19 guilty of a violation of this ordinance, provided that, during the time the dog is barking, no
20 person is trespassing or threatening to trespass or no person is teasing or provoking the dog.

21 (e) Any two unrelated persons, living in different households within 300 feet of the
22 location of the disturbance who are disturbed by a "Barking Dog" as defined in Section 41(i) of
23 this Code may, After signing an affidavit setting forth the information in this subsection,
24 request a police officer to issue a citation to the owner or guardian of the dog causing the
25 disturbance for violation of Subsection (e) of this Section.

1 Section 10. The San Francisco Health Code is hereby amended by amending Section
2 41.16, to read as follows:

3 **SEC. 41.16. REDUCTION IN FEE-SPECIAL CIRCUMSTANCES.**

4 The following reductions in the fees provided for in Section 41.15(c) shall be available
5 under the following circumstances:

6 (1) For each dog neutered or spayed in accordance with this Article, the license shall
7 be prorated, as follows:

8 (A) \$12 for a one-year license;

9 (B) \$21 for a two-year license;

10 (C) \$30 for a three-year license.

11 (2) If the owner or guardian of a dog is 65 years of age or older, the license fee shall
12 not exceed 50 percent of the applicable fee set forth in Section 41.15(c) or 50 percent of the
13 applicable fee set forth above

14 Section 11. The San Francisco Health Code is hereby amended by amending Section
15 41.19, to read as follows:

16 **SEC. 41.19. YOUNG DOG CERTIFICATE.**

17 (a) Every resident of the City and County who procures a young dog over the age of
18 two months from any animal shelter shall register such dog with the Department of Animal
19 Care and Control, Tax Collector or other agency authorized to issue said certificate. Upon
20 payment of a deposit equivalent to the amount of a license fee set pursuant to Section 41.15
21 of this Article, the owner or guardian of the young dog shall be issued a temporary
22 identification tag and young dog certificate. The certificate shall be valid until the dog attains
23 the age of four months, or has received an antirabies vaccination, whichever occurs first.
24 Upon expiration of the certificate, the Tax Collector, the Department of Animal Care and
25 Control, or other authorized licensing entity will notify the owner or guardian that the certificate

1 has expired and upon satisfactory proof that the dog has been vaccinated in compliance with
2 Section 41.18 of this Article, the owner or guardian shall be provided with a valid license for
3 said dog as provided in this Article.

4 (b) If an owner or guardian fails to procure a license within one month after the
5 expiration of the young dog certificate, the deposited license fee shall be forfeited and the
6 owner or guardian shall be deemed to be in violation of Section 41.15 of this Article.

7 Section 12. The San Francisco Health Code is hereby amended by amending Section
8 41.20, to read as follows:

9 **SEC. 41.20. CERTIFICATE TO OWNER OR GUARDIAN.**

10 (a) Upon the payment of a dog license or cat registration fee, the owner or guardian
11 of the animal shall obtain from the Tax Collector, the Department of Animal Care and Control
12 or other authorized licensing entity a certificate stating (1) the period for which such license or
13 registration fee has been paid, (2) the date of payment, (3) the name, residence address, and
14 telephone number of the person to whom such license is issued, (4) the name, breed and sex
15 of the dog or cat licensed or registered, (5) the number of the license or registration tag issued
16 as provided for in this Article, and (6) a statement whether the animal has been spayed or
17 neutered. Such certificate shall be delivered to the person paying such license or registration
18 fee and duplicates or records thereof shall be kept in the office of the Department of Animal
19 Care and Control until the registration or certificate expires. The Tax Collector shall
20 periodically provide the Department of Animal Care and Control with updated information
21 regarding current registrations.

22 (b) The certificates and tags described in this Section shall not be transferable from
23 dog to dog, cat to cat, or from owner/guardian to owner/guardian.

24 (c) At the same time that the Tax Collector, the Department of Animal Care and
25 Control, or other authorized licensing entity issues the certificate pursuant to this Section, he

1 or she shall also issue and deliver to the person paying such license or registration fee a
2 license tag of such form and design as the Department of Animal Care and Control shall
3 designate, with the words "San Francisco Dog License" or "San Francisco Cat Tag" and a
4 serial number.

5 (d) The owner, guardian or person having control or possession of the dog or cat for
6 which said license or registration fee has been paid, and such tag issued, shall attach such
7 license tag or registration tag securely to a collar around the neck of the cat or dog, or
8 otherwise adequately secure such tag. License tags shall be securely displayed upon dogs at
9 all times, except when the dog is confined to the owner's or guardian's premises or displayed
10 in any show or exhibition.

11 Section 13. The San Francisco Health Code is hereby amended by amending Section
12 41.22, to read as follows:

13 **SEC. 41.22. DUPLICATE LICENSE OR REGISTRATION TAG ISSUED.**

14 (a) If any license or registration tag shall be lost or stolen, damaged or illegible, the
15 person owning, possessing, or having control of the dog or cat for which the same was issued
16 shall be entitled to receive a duplicate of such tag by presenting to the Tax Collector or the
17 Department of Animal Care and Control the damaged tag, or the original certificate showing
18 ownership of said tag or subscribing to an affidavit sufficiently showing that such tag was lost
19 or stolen. Upon payment by the owner or guardian of a replacement fee of \$5, the Tax
20 Collector or the Department of Animal Care and Control shall issue a properly numbered
21 duplicate tag, and shall keep on file in his office the original affidavit upon which the duplicate
22 tag was issued.

23 (b) If any license or registration tag is not received due to the United States Mail
24 within 30 days after payment of fees, the person owning, possessing, or having control of the
25 dog or cat for which the said tag was issued shall be entitled to receive a duplicate of said tag

1 by presenting to the Tax Collector or the Department of Animal Care and Control the
2 damaged tag, or the original certificate showing ownership of said tag or subscribing to an
3 affidavit sufficiently showing that said tag was not received due to the United States Mail
4 within 30 days. The Tax Collector or the Department of Animal Care and Control, without
5 additional fee, shall issue a properly numbered tag, and shall keep on file in his office all
6 original affidavits upon which duplicate tags were issued.

7 Section 14. The San Francisco Health Code is hereby amended by amending Section
8 41.24, to read as follows:

9 **SEC. 41.24. ENFORCEMENT.**

10 It shall be the duty of the Animal Control Officer and every police officer while on duty
11 to enforce the provisions of Sections 41.15 to 41.22, inclusive, of this Article requiring owners
12 or guardians of dogs to obtain a license for same.

13 Section 15. The San Francisco Health Code is hereby amended by amending Section
14 42.2, to read as follows:

15 **SEC. 42.2. REGISTRATION.**

16 Any dog found to be vicious and dangerous either as a result of (1) the actions of the
17 dog constituting vicious and dangerous behavior occurring in the presence of an animal
18 control officer, or representative of the Department of Public Health or Police Department; and
19 upon finding after hearing under Section 42.3; (2) a signed complaint or a verbal complaint
20 with corroborating evidence by an animal control officer or representative of the Department of
21 Public Health or Police Department; and (3) upon a finding after hearing under Section 42.3,
22 shall be registered with the Department of Public Health, Bureau of Communicable Disease
23 Control, Animal Bite Investigation Unit.

24 All such dogs shall be registered within 10 days of the effective date of the finding. The
25 Department of Public Health shall establish a registration fee not to exceed \$50.

1 Furthermore, the keeping of a registered dog shall be subject to the following
2 conditions:

3 (a) **Number and Tattoo.** The owner, guardian, or keeper shall have the licensing
4 number assigned to such dog, or such other identification number as the City shall determine,
5 tattooed by a licensed veterinarian or Department of Public Health representative on the dog's
6 upper inner lip, inner thigh or elsewhere as directed by the Department of Public Health. For
7 the purposes of this section "tattoo" shall be defined as any permanent numbering of a dog by
8 means of indelible or permanent ink with the number designated by the Department of Public
9 Health, or any other permanent method of tattooing acceptable to the Department of Public
10 Health.

11 (b) **Display of Sign.** The owner, guardian, or keeper shall display a sign on his or her
12 premises warning that there is a vicious and dangerous dog on the premises. Said sign shall
13 be visible and capable of being read from the fronting street or public highway.

14 (c) **Confinement Indoors.** No registered dog may be kept on a porch, patio or in
15 any part of a house or structure that would allow the dog to exit such building on its own
16 volition except to a secured enclosure. In addition, no such dog may be kept in a house or
17 structure when the windows are open or when screen windows or screen doors are the only
18 obstacle preventing the dog from exiting the structure.

19 (d) **Confinement Outdoors.** When outside, all registered dogs shall be confined in a
20 secure enclosure, except when necessary to obtain veterinary care or to comply with
21 commands or directions of a City official. All such enclosures must be adequately lighted and
22 ventilated and kept in a clean and sanitary condition.

23 Whenever necessity requires a registered dog to be outside of the enclosure, the dog
24 shall be securely muzzled and restrained with a chain having a minimum tensile strength of
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1 300 pounds and not exceeding three feet in length, with handgrip, and shall be under the
2 direct control and supervision of the owner, guardian, or keeper of the dog.

3 (e) **Reserved.**

4 (f) **Identification Photographs.** All owners, guardians, keepers or harborers of a
5 registered dog must, within 10 days of the effective date of this ordinance, provide to the
6 Director of Communicable Disease Control, or his or her designee, two color photographs of
7 the registered animal clearly showing the color and approximate size of the animal.

8 (g) **Reporting Requirements.** All owners, guardians, keepers or harborers of a
9 registered dog must, within 10 days of the incident, report the following information in writing
10 to the Director of Communicable Disease Control, or his or her designee:

11 (1) The removal from the City or death of a registered dog;

12 (2) The new address of a registered dog owner or guardian should the owner
13 or guardian move within City limits.

14 (h) **Sale or Transfer of Ownership Prohibited.** No person shall sell, barter or in
15 any other way dispose of a dog registered with the City to any person within the City; provided
16 that the owner or guardian of a registered dog may sell or otherwise dispose of a registered
17 dog or the offspring of such dog to persons who neither reside within the City nor intend to
18 train, keep, harbor, own, or in any way possess such animal in the City providing written
19 approval of such sale or transfer by an authorized officer or employee of the city or county
20 where the dog is intended to be kept.

21 (i) **Violation of Registration Requirements.** It shall be unlawful for the owner,
22 guardian, keeper or harborer of a dog registered with the City to fail to comply with the
23 requirements and conditions set forth in this ordinance regarding registration. Any dog found
24 to be the subject of a violation of these registration requirements shall be subject to seizure
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1 and impoundment. In addition, failure to comply will be cause for the revocation of the license
2 of such animal resulting in the immediate removal of the animal from the City.

3 Section 16. The San Francisco Health Code is hereby amended by amending Section
4 42.3, to read as follows:

5 **SEC. 42.3. SEIZURE OF DOG: HEARINGS.**

6 (a) **Subject to Seizure.** Upon the receipt of a signed complaint, or upon the personal
7 observation of an Animal Control Officer, or a representative of the Department of Public
8 Health or Police Department, that a dog is vicious and dangerous, and said dog is on its
9 owner, guardian, keeper or harborer's property, the Animal Control Officer, or the Department
10 of Public Health or Police Department representative, may find the dog presents a danger and
11 is subject to seizure and impoundment. Upon a finding that the dog is subject to seizure,
12 written notice of such finding shall be made to the owner, guardian, keeper or any adult in
13 apparent control or possession of the dog. Prior to the seizure of the dog, the owner, guardian,
14 or keeper of the dog shall be entitled to a hearing as described in paragraph (c) of this
15 section.

16 (b) **Immediate Seizure.** (i) Should any Animal Control Officer, representative of the
17 Department of Public Health or the Police Department determine that probable cause exists to
18 believe that a dog is vicious and dangerous and cannot be properly controlled, such dog is
19 subject to immediate seizure. The owner, guardian, or keeper of the dog shall be entitled to a
20 hearing upon seizure as described in paragraph (c) of this section, and upon the hearing the
21 owner or guardian of any dog found to be vicious or dangerous shall be assessed the costs of
22 sheltering the dog and of administering the ordinance.

23 (ii) Upon the receipt of a signed complaint, or upon the personal observation
24 of an Animal Control Officer, or a representative of the Department of Public Health or
25 Police Department, that a dog has killed or wounded, or assisted in killing or wounding

1 any domestic animal, or has attacked, assaulted, bit or otherwise injured any person or
2 assisted in attacking, assaulting, biting or otherwise injuring any person, such dog shall
3 be subject to immediate seizure and impoundment. The owner, guardian, or keeper of
4 the dog shall be entitled to a hearing upon seizure as described in paragraph (c) of this
5 section.

6 (c) (i) Prior to the seizure of any dog authorized by paragraph (a) and within three days
7 of the seizure of any dog pursuant to paragraph (b) a hearing officer shall inform, in writing,
8 the owner, guardian, or keeper of the dog that the person's dog is alleged to be vicious and
9 dangerous and be subject to penalties under this ordinance. Unless the hearing is waived by
10 the owner, guardian, or keeper of the dog, or the hearing is scheduled on an agreed-upon date
11 not later than 30 days from date of incident, the hearing officer shall fix a time not less than 30
12 nor more than 60 days from date of the incident, and fix a place for said hearing and cause all
13 parties to be notified, not less than 15 days before the date of such hearing. The hearing may
14 be informal and the rules of evidence not strictly observed. It shall not be necessary, for the
15 City, to prove that the owner, guardian, or keeper of the dog knew that the dog was vicious
16 and dangerous. Within 15 days following the hearing, the hearing officer shall issue his or her
17 decision to all parties.

18 (ii) Should the hearing officer find the dog to be vicious and dangerous, the
19 hearing officer shall order the dog be registered pursuant to Section 42.2, and that the
20 dog be spayed or neutered. The hearing officer may, in addition, order the dog and the
21 owner, guardian, keeper and any person in control of the dog attend and complete a
22 basic obedience course under an approved and recognized obedience trainer or dog-
23 training organization.

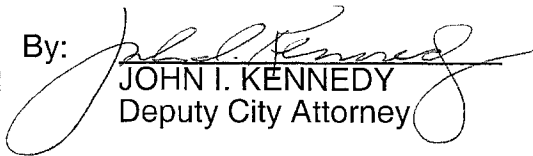
24 (iii) In the event the hearing officer concludes that the dog is vicious and
25 dangerous and that the health, safety and welfare of the community is not adequately

1 addressed by the requirements provided in Section 42.3(c)(ii), the hearing officer may
2 order the dog destroyed.

3 (iv) The decision of the hearing officer is final.
4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 JOHN I. KENNEDY
9 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 021645

Date Passed:

Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code (Health Code) by amending Section 41, to add the definition of "Guardian", and amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20, 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is referenced.

December 9, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Sandoval

Noes: 3 - Ammiano, Newsom, Peskin

December 16, 2002 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 1 - Daly

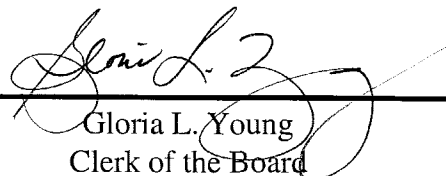
January 13, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Sandoval

Noes: 3 - Newsom, Peskin, Ammiano

File No. 021645

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on January 13, 2003 by the Board of Supervisors of the City and County of San Francisco.

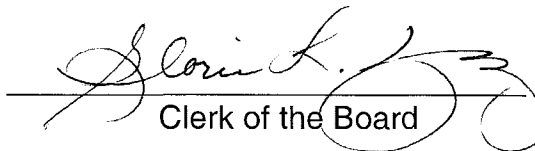

Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

Date: January 24, 2003

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
021645